

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLYDE ALLEN CHANEY,

Defendant.

8:08CR40

ORDER

Defendant Clyde Allen Chaney (Chaney) appeared before the court on November 30, 2011, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 31). Chaney was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Through his counsel, Chaney waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Chaney should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Chaney declined to present any evidence or request a hearing on the issue of detention. Since it is Chaney's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Chaney has failed to carry his burden and that Chaney should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on January 5, 2012**. Defendant must be present in person.

2. Defendant Clyde Allen Chaney is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 30th day of November, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge